

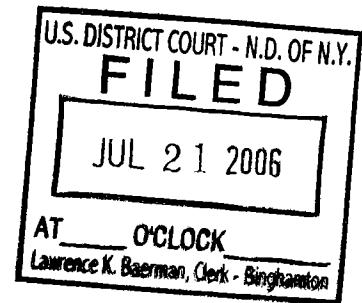
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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MATTHEW SACCO and PATRICIA
SACCO,

Plaintiffs, 05-CV-1435
TJM/DEP
-against-

DAIMLERCHRYSLER CORPORATION,

Defendant.
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STIPULATED PROTECTIVE ORDER

It is hereby stipulated and agreed by and between the respective parties hereto and their counsel, and ordered by the Court, that materials and information produced by Defendant DaimlerChrysler Corporation in this matter for discovery and inspection are subject to the following terms, restrictions and conditions:

1. In responding to written discovery, DaimlerChrysler Corporation may designate as confidential any portion of its responses or documents produced that contain trade secrets or other confidential research, development, or commercial information or that is otherwise considered confidential under applicable law. Testimony and other information based upon documents so designated shall be considered confidential and subject to this protective order.

2. In the event that any party to this agreement disagrees with DaimlerChrysler Corporation's designation of any item as confidential and subject to this protective order, that party shall send a written notice to counsel of record for DaimlerChrysler Corporation specifying the item(s) in question. If an agreement cannot

be reached concerning the confidentiality of the item(s), DaimlerChrysler Corporation shall timely file a motion with the Court seeking a determination that the item(s) is in fact subject to this protective order. Any item(s) in dispute shall continue to be treated as confidential and subject to this protective order until such time as the Court rules that it is not.

3. Any documents or information subject to this protective order shall be disclosed only to counsel of record in this action, which term is intended to include the employees of the law firm, and/or only to individuals retained by or assisting counsel in preparation for, or at the trial of, this action.

4. Any documents or information subject to this protective order shall be used only for the purpose of prosecuting this action.


5. Any person or firm to whom such documents or information contained therein is to be disclosed shall first be advised by counsel making the disclosure that, pursuant to this protective order, such person or firm may not divulge any such information to any other person.

6. In the event that any document or the information contained therein is included with, or the contents thereof are in any way disclosed, in any pleading, motion or other paper filed with the Clerk of this Court, such confidential document or information shall be kept confidential and under seal by the Clerk until further order of the Court. Upon good cause shown, the Court may order that the use of any such document or of information contained therein and any testimony associated with the confidential information contained therein shall be held *in camera*.

7. The production of such documents or information by DaimlerChrysler Corporation shall not constitute a waiver of any privilege or other claim or right of withholding or confidentiality that it may have.

8. Upon the termination of this action, all copies of documents subject to this protective order that are furnished by DaimlerChrysler Corporation to Plaintiffs or any other party to this action, together with all originals and copies of notes, sketches, data, compilations, extracts, and reproductions furnished by DaimlerChrysler Corporation, shall be returned to counsel for DaimlerChrysler Corporation, together with a letter that all documents and copies of such documents that were provided by DaimlerChrysler Corporation have been returned to DaimlerChrysler Corporation. In the event that a third party retains copies in violation of this protective order, opposing counsel will provide counsel for DaimlerChrysler Corporation with the name and address of all such third parties. *Provided, however, that this provision shall not be construed as requiring the court to return any confidential documents filed in the action.*


ENTERED this 21st day of July, 2006.


Hon. David E. Peebles
U.S. Magistrate Judge

STIPULATED AND AGREED TO:

Attorney for Plaintiffs
Matthew and Patricia Sacco

FINKELSTEIN & PARTNERS, LLP

By: 
ELEANOR L. POLIMENI, ESQ.

Attorney for Defendant
DaimlerChrysler Corporation

By: 